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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Judge Andrew H. Metz)

MAILED

MAR 4 1999

PAT.&T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

W. FRENCH ANDERSON, R. MICHAEL
BLAESE and STEVEN A. ROSENBERG
Junior Party,¹

v.

RICHARD F. SELDEN
Junior Party,²

v.

JEFFREY R. MORGAN
and RICHARD C. MULLIGAN
Senior Party.³

Patent Interference No. 103,708

¹ Patent 5,399,346, issued March 21, 1995, based on Application 08/220,175, filed March 30, 1994. Accorded the benefit of Application 07/904,662, filed September 8, 1992 (ABN), Application 07/868,794, filed April 15, 1992 (ABN), Application 07/807,446, filed December 13, 1991 (ABN) and Application 07/365,567, filed June 14, 1989 (ABN). Assignors to Genetic Therapy, Inc.

² Application 08/465,582, filed June 5, 1995. Accorded the benefit of Application 08/312,444, filed September 26, 1994 (ABN), Application 08/180,701, filed January 13, 1994 (ABN), Application 07/918,927, filed July 22, 1992 (ABN), Application 07/787,760, filed November 6, 1991 (ABN) and Application 07/044,719, filed May 1, 1987 (ABN). The General Hospital Corporation.

³ Application 08/153,275, filed November 16, 1993. Accorded the benefit of Application 07/613,209, filed November 13, 1990 (ABN), Application 07/292,885, filed January 3, 1989, now Patent No. 4,980,286, issued December 25, 1990, Application 06/883,590, filed July 9, 1986, now Patent No. 4,868,116, issued September 19, 1989 and Application 06/752,466, filed July 5, 1985 (ABN). Assignors to Whitehead Institute for Biomedical Research and Somatex Therapy Corporation.

Interference No. 103,708

REDECLARATION

Pursuant to the Order by the Administrative Patent Judge (APJ) mailed concurrently herewith, Interference Number 103,708 is hereby redeclared as follows:

The Eppstein et al. application Serial Number 08/609,702 is added to the interference. Hereinafter, this interference will be styled as Anderson et al. v. Selden v. Eppstein et al. v. Morgan et al.

The parties involved in this interference are:

Junior Party

Patentees:	W. French Anderson 6820 Melody Lane Bethesda, Maryland 20817 R. Michael Blaese 1986 Lancashire Drive Rockville, Maryland Steven A. Rosenberg 9015 Honeybee Lane Bethesda, Maryland
Application:	08/220,175 filed March 30, 1994, now Patent No. 5,399,346 issued March 21, 1995
Assignee:	Genetic Therapy, Inc.
Attorney(s):	James C. Haight, Gloria Richmond, Robert Benson, Jack Spiegel, Laurence J. Hyman, Susan S. Rucker, David R. Sadowski, Steve Ferguson, Stephen Finley, Cindy K. Fuchs and John P. Kim
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Accorded Benefit: Applications 07/904,662 filed September 8, 1992 (ABN), 07/868,794 filed April 15, 1992 (ABN), 07/807,446 filed December 13, 1991 (ABN) and 07/365,567 filed June 14, 1989

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Application: 08/465,582 filed June 5, 1995

Assignee: The General Hospital Corporation

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Associate: Michael T. Siekman

Accorded benefit: Applications 08/312,444 filed September 26, 1994 (ABN), 08/180,701 filed January 13, 1994 (ABN), 07/918,927 filed July 22, 1992 (ABN), 07/787,760 filed November 6, 1991 (ABN) and 07/044,719 filed May 1, 1987 (ABN)

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Interference No. 103,708

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Application: 08/609,702 filed March 1, 1996

Assignees: Syntex (U.S.A.) Inc.

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Associate: None

Accorded Benefit: Applications 08/348,635 filed December 2,
1994; 08/237,807 filed May 4 1994, Patent No.
5,622,712 issued April 22, 1997; 08/015,738
filed February 10, 1993, Patent No. 5,366,737
issued November 22, 1994; 07/614,412 filed
November 16, 1990, Patent No. 5,208,036
issued May 4, 1993; 07/524,257 filed May 15,
1990, Patent No. 5,049,386 issued September
17, 1991; 07/428,815 filed October 27, 1989,
Patent No. 4,946,787 issued August 7, 1990;
07/114,809 filed October 29, 1987, Patent No.
4,897,355 issued January 30, 1990; 06/877,916
filed June 24, 1986 (ABN); and 06/689,407
filed January 7, 1985 (ABN)

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Interference No. 103,708

Senior Party

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Application: 08/153,275 filed November 16, 1993

Assignee: Whitehead Institute for Biomedical Research
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Associate: Daniel M Becker

Accorded Benefit: Applicatons 07/613,209 filed November 13,
1990 (ABN); 07/292,885 filed January 3, 1989,
Patent No. 4,980,286 issued December 25,
1990; 06/883,590 filed July 9, 1986, Patent
No. 4,868,116 issued September 19, 1989; and
06/752,466 filed July 5, 1985 (ABN)

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COUNT 1

A process for providing a human with a therapeutic protein comprising:

introducing human cells into a human, said human cells having been treated in vitro to insert therein a DNA segment encoding a therapeutic protein said human cells expressing in vivo in said human a therapeutically effective amount of said therapeutic protein.

The claims of the parties which correspond to this count are:

Anderson et al.:	Claims 1-14
Selden:	Claim 36
Eppstein et a.:	Claims 71, 72, 75 and 78
Morgan et al.:	Claims 30-34, 36 and 43-49



Andrew H. Metz
Administrative Patent Judge
(703) 308-9797

**INTERFERENCE
DIGEST**

Interference No. 103,708 Paper No. 14
Name, W. French Anderson et al.
Serial No. 08/220,175 Patent No. 5,399,346 granted 03/21/95
Title, GENE THERAPY
Filed, 03/30/94
Interference with Selden v. Morgan et al.

DECISION ON MOTIONS

Examiner-in-Chief, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

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